



LOS ANGELES COUNTY COMMISSION ON HIV

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While not required of meeting participants, signing-in constitutes public notice of attendance. Presence at meetings is recorded solely based on sign-in sheets, and not signing-in constitutes absence for Commission members. Only members of the Commission on HIV are accorded voting privileges, thus Commissioners who have not signed in cannot vote. Sign-in sheets are available upon request.

JPP COMMITTEE MEETING MINUTES

March 5, 2008

Approved
6/04/08

MEMBERS PRESENT	MEMBERS ABSENT	PUBLIC	HIV EPI AND OAPP STAFF	COMM STAFF/CONSULTANTS
Whitney Engeran, <i>Co-Chair</i>	Ruben Acosta	Miki Jackson	Elizabeth Escobedo	Carolyn Echols-Watson
Lee Kochems, <i>Co-Chair</i>	Dean Page	Brad Land		Jane Nachazel
Kyle Baker	Peg Taylor	Ted Liso		Craig Vincent-Jones
Carrie Broadus	Chris Villa	Everardo Orozco		
Jeffrey Goodman		Daniel Rivas		
Ruel Nollodo		Ron Snyder		
James Skinner				
Kathy Watt				

CONTENTS OF COMMITTEE PACKET

- 1) **Agenda:** JPP Committee Agenda, 3/5/2008
- 2) **Minutes:** JPP Committee Meeting Minutes, 2/14/2008
- 3) **SB 1184:** Infectious Disease Reporting, 2/12/2008
- 4) **Fact Sheet SB 1184:** Mandatory CD4 Reporting, 2/12/2008
- 5) **SB 1184 Questions and Answers:** Infectious Disease Reporting, 2/29/2008
- 6) **Email:** Policy Issues for the Commission, 11/6/2007
- 7) **CEO Memorandum to BOS:** New Medicaid Regulations, 12/10/2007
- 8) **Transcription:** JPP Corrections Forum, 9/13/2008
- 9) **Flyer:** Twin Towers Tour, 3/17/2008 and 4/16/2008
- 10) **Work Plan:** Joint Public Policy Committee, *ongoing*
- 11) **Associated Press:** US Drops Ban on HIV-Positive Diplomats, 2/15/2008
- 12) **Matrix:** Pending Legislation for JPP Committee Consideration, 3/5/2008
- 13) **ABX1:** Health Care Reform, 9/11/2007
- 14) **AB 66:** Inmate HIV Testing, 12/04/2006
- 15) **AB 272:** HIV Tests, 2/9/2007
- 16) **AB 512:** Contracts: Translation, 2/20/2007
- 17) **AB 659:** Child Care: Locally Funded Child Care and Development Program, 2/21/2007
- 18) **AB 851:** Medi-Cal: Eligibility, 2/22/2007
- 19) **AB 1442:** Clinical Laboratories, 2/23/2007
- 20) **AB 1461:** Alcohol and Drug Abuse, 2/23/2007
- 21) **AB 1587:** Personal Information: Pharmacy, 2/23/2007
- 22) **AB 1894:** HIV Testing, 2/7/2008
- 23) **AB 1984:** Public Health: HIV/AIDS Testing, Prison Inmates, 2/14/2008
- 24) **AB 2038:** Persons with Disabilities: Victims of Crime, 2/15/2008
- 25) **AB 2086:** Schools: Parental Notification: Sexual Orientation: Gender Identity, 2/19/2008
- 26) **AB 2238:** Dependent Children: Out-of-Home Placements, 2/20/2008
- 27) **AB 2654:** Discrimination, 2/22/2008
- 28) **AB 2658:** Disease Prevention: Reportable Diseases, 2/22/2008
- 29) **AB 2660:** Condoms in the Adult Film Industry (*unofficial title*), 1/15/2008
- 30) **AB 2737:** Communicable Disease: Involuntary Testing, 2/22/2008
- 31) **AB 2899:** Sexually Transmitted Diseases: HIV & AIDS: Counseling, 2/22/2008
- 32) **AB 2902:** Public Health Outreach: Community Health Care Workers, 2/22/2008

- 33) **SB 154:** Workers' Compensation: Temporary Disability: Public Safety Personnel, 1/29/2007
 - 34) **SB 349:** Health Care Coverage: Electronic Billing, 2/20/2007
 - 35) **SB 648:** Medi-Cal: Juveniles: Incarceration, 2/22/2007
 - 36) **SB 1005:** Workers' Compensation: Claim Files: Disclosure, 2/23/2007
 - 37) **SB 1066:** Domestic Partnerships, 1/10/2008
 - 38) **SB 1098:** Medical Marijuana, 1/14/2008
 - 39) **SB 1125:** Polysomnographic Technologist Act, 1/28/2008
 - 40) **SB 1382:** Methamphetamines, 2/21/2008
 - 41) **SB 1406:** Optometry, 2/21/2008
 - 42) **SB 1553:** Health Care Service Plans, 2/22/2008
 - 43) **SB 1600:** School Curriculum: Sexual Health Education and HIV/AIDS Prevention Education, 2/22/2008
 - 44) **SB 1682:** Medi-Cal: Reimbursement Rates, 2/22/2008
 - 45) **SB 1738:** Medi-Cal: Frequent Users of Health Care Pilot Program, 2/22/2008
 - 46) **SJR 20:** Medical Marijuana, 1/20/2008
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1. **CALL TO ORDER:** Mr. Engeran called the meeting to order at 1:25 pm, after the Committee had taken approximately a half-hour to review legislation in silence
2. **APPROVAL OF AGENDA:** Item 13, 2010 Principles was postponed.
MOTION #1: Approve the Agenda Order, as amended (*Passed by Consensus*).
3. **APPROVAL OF MEETING MINUTES:**
MOTION #2: Approve the February 14, 2008 JPP Committee meeting minutes, as presented (*Passed by Consensus*).
4. **PUBLIC COMMENT, NON-AGENDIZED:** There were no comments.
5. **COMMISSION COMMENT, NON-AGENDIZED:** There were no comments.
6. **PUBLIC/COMMISSION COMMENT FOLLOW-UP:** There were no comments.
7. **CO-CHAIRS' REPORT:**
 - A. **Co-Chair Nominations/Elections:** Mr. Vincent-Jones indicated that Mssrs. Engeran and Kochems were the only nominees.
MOTION #3: Elect Whitney Engeran and Lee Kochems as JPP Committee Co-Chairs (*Passed by Consensus*).
8. **STATE AGENDA:**
 - A. **Review of 2008 Pending Legislation:**
 - **ABX1 1: Health Care Reform:** ABX1 1 was discussed at the Commission, a representative of the Governor had presented on it, and the County had already supported it.
➡ Mr. Goodman felt health care reform should be agendized for a future discussion. It was agreed to do so.
 - **AB 66: Inmate HIV Testing:** It was agreed that previous discussion was sufficient.
 - **AB 272: HIV Tests:** Mr. Vincent-Jones noted this was basically the same as last year's legislation to require perinatal HIV testing. The Commission had recommended support with expansion to all physicals. Position was maintained.
 - **AB 512: Contracts: Translation:** Ms. Jackson said this required all contracts, medical and other, to be translated into the language used in discussion.
➡ The Committee agreed to send it to the P&P Committee for recommendation(s)/to monitor.
 - **AB 659: Child Care: Locally Funded Child Care and Development Program:** The bill extended current Medi-Cal without restrictions. Mr. Nollado said it previously had included an HIV pilot project. Mr. Vincent-Jones noted it still included child care resources that otherwise would be funded by Ryan White. Ms. Broadus felt that supported a Commission commitment to child care resources. He suggested getting more information.
 - **AB 851: Medi-Cal: Eligibility:** Mr. Nollado said APLA supported the bill which would allow those temporarily unemployed to stay on Medi-Cal. It was agreed it closed a gap.

MOTION #4 (Broadus/Land): Support AB 851 and seek a means to expand coverage to those who return to work at or below a salary to be determined (*Passed by Consensus*).

- **AB 1442: Clinical Laboratories:** A CLEO waiver permitted a laboratory test (e.g., rapid testing) in a non-laboratory setting. It was established by federal statute and could be modified by individual states. Mr. Nollado said this bill reduced requirements making it easier for non-medical agencies to conduct rapid HIV tests. Mr. Baker said it had passed the Assembly and Senate, but was vetoed by the Governor because laboratories had language objections. He suggested addressing objections rather than supporting the bill directly.

MOTION #5 (Broadus/Land): Support AB 1442 with a recommendation to gather more information from laboratories and providers on the challenges and barriers to passage and of providing the service in Los Angeles County (*Passed: Ayes: Baker, Broadus, Engeran, Goodman, Nollado, Skinner, Watt; Opposed: none; Abstentions: none*).

- **AB 1461: Alcohol and Drug Abuse:** Ms. Watt said the bill established a pilot project to demonstrate efficacy of training emergency room medical staff in early intervention techniques. Mr. Rivas was concerned that documented abuse could cause insurance problems.

MOTION #6 (Broadus/Watt): Support AB 1461 (*Passed by Consensus*).

- **AB 1587: Personal Information: Pharmacy:** The bill would provide an exclusion to the Confidentiality of Medical Information Act for pharmacists to offer information to patients relative to specified conditions. It was perceived to be mostly a marketing mechanism. Ms. Broadus felt it could provide consumer information. Mr. Vincent-Jones noted that it implied that information would be offered based on the diagnosis implied by the prescription and that violated patient confidentiality in order to promote a product.

MOTION #7 (Broadus/Watt): Oppose AB 1587 (*Passed by Consensus*).

- **AB 1894: HIV Testing:** The bill would require insurance company reimbursement for an HIV test.

MOTION #8 (Goodman/Snyder): Support AB 1894 (*Passed by Consensus*).

- **AB 1984: Public Health: HIV/AIDS Testing, Prison Inmates:** Mr. Goodman said the bill would provide voluntary HIV testing with informed consent and linkages to care in all state prison facilities to those about to be discharged.

MOTION #9 (Broadus/Land): Support AB 1984 (*Passed by Consensus*).

- **AB 2038: Persons with Disabilities: Victims of Crime:** Mr. Vincent-Jones noted the bill would expand victims of hate crimes to include people with disabilities, including PWH/A.

MOTION #10 (Broadus/Land): Support AB 2038 (*Passed by Consensus*).

- **AB 2086: Schools: Parental Notification: Sexual Orientation: Gender Identity:** Mr. Vincent-Jones noted the bill required schools to notify parents of sexual orientation or gender identification discussion outside of a sex education courses.

MOTION #11 (Broadus/Land): Oppose AB 2086 (*Passed by Consensus*).

- **AB 2238: Dependent Children: Out-of-Home Placements:** On page 3, line 21 the bill allows foster children to enlist in the military at 17 and on page 1, line 4 it changed wording for access to rights from the collective to "each."

MOTION #12 (Engeran/Watt): Take no action on AB 2238 (*Passed by Consensus*).

- **AB 2654: Discrimination:** The bill would delete "creed" and add "medical condition disability" and "sexual orientation" to characteristics related to governmental discrimination that the insurance commissioner may consider. Ms. Broadus was concerned by deleting "creed" from the language.

MOTION #13 (Engeran/Broadus): Support AB 2654 with reservations (*Passed by Consensus*).

- **AB 2658: Disease Prevention: Reportable Diseases:** Mr. Engeran said the bill would revise the list of reportable diseases. Mr. Nollado recommended waiting for more analysis.

MOTION #14 (Nollado/Broadus): Support AB 2658 with reservations (*Passed by Consensus*).

- **AB 2660: Condoms in the Adult Film Industry (unofficial title):** Mr. Engeran noted this bill was sponsored by AHF. It required actors in pornographic films to wear condoms as a workers' safety issue. Mr. Land was concerned it would regulate married couples who produced films of themselves.

- Mr. Goodman said the porn industry safety record was poor with actors required to sign strict liability releases. He felt the bill should be strengthened. Ms. Jackson felt support would help the bill and foster further improvements.
- Mr. Vincent-Jones felt it would send a message that lives were important especially since bare-backing was on the rise in the porn industry and some small producers recruited people off the streets for quick Internet videos.

MOTION #15 (Broadus/Nollado): Support AB 2660 (*Passed by Consensus*).

- **AB 2737: Communicable Disease: Involuntary Testing:** Mr. Nollado said the bill authorized a court to require HIV testing for an arrestee if it was alleged and a court found that the person may have exposed the peace officer, firefighter or emergency medical personnel to HIV/AIDS. Mr. Goodman felt it was fraught for abuse. Initiated by the Sheriff's Department, Mr. Nollado said Assemblyman Feuer's office was willing to work on it.
MOTION #16 (Goodman/Land): Oppose AB 2737 (*Passed by Consensus*).
- **AB 2899: Sexually Transmitted Diseases: HIV & AIDS: Counseling:** Mr. Engeran noted the bill was sponsored by AHF. Mr. Rivas said it would increase counseling model flexibility for HIV testing and simplify data collection. The state was considering many items. Legislation would support that and move toward the CDC question collection set.
MOTION #17 (Land/Skinner): Support AB 2899 (*Passed by Consensus*).
- **AB 2902: Public Health Outreach: Community Health Care Workers:** Mr. Vincent-Jones said the bill would address HIV in public health by encouraging the use of community based health care workers in the Office of Multicultural Health.
MOTION #18 (Land/Broadus): Support AB 2902 (*Passed by Consensus*).
- **SB 154: Workers' Compensation: Temporary Disability: Public Safety Personnel:** This bill removes the two-year limit on temporary disability for public safety personnel on premise their work was unduly dangerous. Mr. Goodman said benefits would be better than for others, but Ms. Broadus felt that would earn good will.
MOTION #19 (Broadus/Engeran): Support SB 154 (*Passed: Ayes:* Broadus, Engeran; *Opposed:* Goodman; *Abstentions:* Baker, Nollado, Skinner, Watt).
- **SB 349: Health Care Coverage: Electronic Billing:** This legislation would ensure health care insurers/plans provided paper bills at no charge if the insured/enrollee did not want electronic billing. Some insurers charge extra for paper bills, which adversely affects lower income populations without access to the Internet.
MOTION #20 (Watt/Goodman): Support SB 349 (*Passed by Consensus*).
- **SB 648: Medi-Cal: Juveniles: Incarceration:** The bill would stop the loss of Medi-Cal eligibility for juveniles who go into jail. Instead, it would put them on temporary hold until their release.
MOTION #21 (Watt/Goodman): Support SB 648 (*Passed by Consensus*).
- **SB 1005: Workers' Compensation: Claim Files: Disclosure:** The bill would prohibit disclosure of HIV diagnostic information to employers.
MOTION #22 (Goodman/Skinner): Support SB 1005 (*Passed by Consensus*).
- **SB 1066: Domestic Partnerships:** The bill would amend domestic partnerships to include partners of the opposite sex. Mr. Engeran felt domestic partnerships were developed for same sex partners and felt the bill not relevant to HIV. Mr. Kochems noted that the definition could affect health care benefits/delivery and could also foster new allies.
MOTION #23 (Nollado/Goodman): Take no action on SB 1066 (*Passed: Ayes:* Baker, Engeran, Goodman, Skinner, Watt; *Opposed:* Kochems; *Abstentions:* none).
- **SB 1098: Medical Marijuana:** The bill would require the State Board of Equalization to administer a tax amnesty program for medical cannabis dispensaries that did not pay taxes prior to 10/01/05. Mr. Baker felt it cleaned up prior legislation to normalize the dispensaries. Mr. Vincent-Jones said some did not pay in order not to identify themselves. Others felt it identified dispensaries for federal action, and shielded other dispensaries not serving the public.
MOTION #24 (Goodman/Watt): Take no action on SB 1098 (*Passed by Consensus*).
- **SB 1125: Polysomnographic Technologist Act:** The bill would extend licensing regulations to respiratory workers
MOTION #25 (Goodman/Engeran): Take no action on SB 1125 (*Passed by Consensus*).
- **SB 1382: Methamphetamines:** Mr. Vincent-Jones reported that the bill was just "spot" language at that point.
MOTION #26 (Engeran/Skinner): Watch SB 1382 (*Passed by Consensus*).
- **SB 1406: Optometry:** The bill would extend licensing regulations to optometrists.
MOTION #27 (Goodman/Engeran): Take no action on SB 1406 (*Passed by Consensus*).
- **SB 1553: Health Care Service Plans:** The bill would impose requirements on plans including updated websites; benefits cards; deletion of the ability to retrospectively modify, delay or deny health care services to an enrollee; modification of disclosure of that process; revise appointment scheduling standards and waiting times; require an annual compliance report; expand the grievance system to include provider participation; revise time limits on payment of claims; and extend certain requirements from full service plans to specialized plans.

MOTION #28 (Goodman/Watt): Resume discussion of SB 1553 with other health reform legislation (*Passed by Consensus*).

- **SB 1600: School Curriculum: Sexual Health Education and HIV/AIDS Prevention Education:** The bill would enhance education requirements surrounding HIV/AIDS education.

MOTION #29 (Watt/Goodman): Support SB 1600 (*Passed by Consensus*).

- **SB 1682: Medi-Cal: Reimbursement Rates:** Mr. Goodman noted that rates were so low, few providers were accepting Medi-Cal patients. The bill would tie rates to the higher Medicare rates for visits after 1/01/09 supporting broader access. Mr. Vincent-Jones added that Medi-Cal rates are so low, many physicians are dropping out because fees did not reimburse them enough even to pay for their malpractice insurance; providers who accepted Medi-Cal are often full.

MOTION #31 (Broadus/Nolledo): Support SB 1682 (*Passed by Consensus*).

- **SB 1738: Medi-Cal: Frequent Users of Health Care Pilot Program:** The pilot program would expand services. If the study proved improved health outcomes, it could be used to support expanded services for Medi-Cal as a whole.

MOTION #32 (Goodman/Broadus): Support SB 1738 (*Passed by Consensus*).

- **SJR 20: Medical Marijuana:** This was a resolution to ask the state to request the federal government to discontinue enforcement of federal marijuana legislation.

MOTION #33 (Goodman/Land): Support SJR 20 (*Passed by Consensus*).

- Mr. Vincent-Jones said that the bills and information would be distributed to the Commission before the meeting for in time for Commissioner review. Staff would generate recommendations to the CEO once positions were voted by the Commission.

- B. **SB 1184 (Infectious Disease Reporting):** Prompted by the Commission, Los Angeles County has supported and co-sponsored CD4 reporting legislation with the San Francisco AIDS Foundation and APLA. Senator Sheila Kuehl has agreed to author the legislation. The bill is moving quickly with general support. It will be heard at the Senate Health Committee on March 26th.

C. **CARE/HIPP Disability Eligibility Requirements:** This item was postponed.

D. **Cal COBRA/ERISA Benefits:** This item was postponed.

E. **HIV/Aging-Related Policies:** This item was postponed.

F. **Title XXII - Housing:** This item was postponed.

9. **INMATE HIV ISSUES/CORRECTIONS:**

A. **Review of Corrections Hearing:** The item was postponed.

B. **Next Steps:** Mr. Vincent-Jones noted that the Twin Towers tours were open to Commissioners, PPC members, OAPP staff and other stakeholders. Ms. Werner would need drivers' license information prior to the tours.

10. **FEDERAL AGENDA:**

A. **Medi-Cal/Medicare:**

- Mr. Land reported that he was having a problem with medication and service access due to Medicaid share-of-cost requirements. Mr. Vincent-Jones responded that Mr. Land's was prevented from accessing services due to conditions of his long-term disability insurance.
- Mr. Land also expressed concern about clients being trapped in the Medicare "donut hole." He recommended advocacy to include ADAP medication cost as qualifying cost toward the "donut hole" requirement. Mr. Vincent-Jones agreed. He recommended County advocates, and the Board support applying ADAP cost to the gap. Another approach might be to use the increased Part A funds to help with the gap.
- Mr. Land added that on 1/01/09 the Medi-Medi premium payment program would shift to outpatient medical care providers contracted by the state. Mr. Vincent-Jones said he would discuss the subject with Julie Cross to see what could be done to mitigate the problem, for example, with CARE/HIPP.

➡ It was agreed that Mr. Vincent-Jones would follow-up with Julie Cross about these issues.

➡ It was agreed that the Commission should review pharmaceutical support programs.

B. **ETHA:** The item was postponed.

C. **Filling Medicare Gap:** The item was postponed.

D. **SAMHSA Reauthorization:** The item was postponed.

E. **Food Stamp Reauthorization:** The item was postponed.

E. **PEPFAR:**

- Mr. Engeran said the County and AHF were in support of PEPFAR. Reauthorization would go to committee in the next week or so. The program supported HIV/AIDS relief in 15 countries. Some changes were being proposed like eliminating the 33% funding requirements for abstinence-based programs and imposing a 55% threshold of funds for treatment.
- Mr. Baker said one 2010 Principle was the need for a national plan. The current authorization for PEPFAR required such a plan for the 15 covered countries even though the U.S. lacked one, so PEPFAR Reauthorization would help support a US plan. Mr. Engeran added that a \$30 billion international investment argued for a \$30 billion national investment.

11. **STATE BUDGET:**

- A. **Proposed Office of AIDS Reductions:** Mr. Vincent-Jones reported no new information. The Committee agreed to bi-weekly phone calls, if needed, and advocacy.
- B. **Proposed Medi-Cal/Denti-Cal Reductions:**
 - Mr. Vincent-Jones said the Commission had agreed to set up local visits as was done for Reauthorization.
 - Mr. Nollado said he was beginning to coordinate a district office contact list.
 - ➡ It was agreed that Mr. Vincent-Jones and Mr. Nollado would coordinate efforts between the Commission and SCHAC.
 - ➡ Mr. Vincent-Jones said advocacy training information would be sent to consumers and put in the Commission packet.
- C. **Proposed Health Care Reform:** There was no additional discussion
- D. **Alternative Funding Strategies:** This item was postponed.

12. **FEDERAL BUDGET:** The item was postponed.

13. **RYAN WHITE 2010 PRINCIPLES:** These items were postponed.

- A. **Concept Paper:** This item was postponed.
- B. **Topic Areas:** This item was postponed.

14. **WORK PLAN:** These items were postponed.

- A. **Committee 2008 Work Plan:** This item was postponed.
- B. **YR 17 Work Plan Assessment and Evaluation:** This item was postponed.
- C. **Integrating Care/Prevention Work Plans:** This item was postponed.
- D. **Public Policy Docket:** This item was postponed.

15. **PREVENTION ISSUES:** There was no report.

- A. **Two-Track Testing Model:** This item was postponed.

16. **LOCAL AGENDA:** There was no report.

17. **COMMITTEE POLICIES AND PROCEDURES:** There was no report.

18. **SUBCOMMITTEE/WORKGROUP REPORTS:** There were no reports.

- A. **Ryan White Subcommittee:** This item was postponed.
- B. **Privacy Subcommittee:** This item was postponed.

19. **MEETING REVIEW:** These items were postponed.

- A. **Prioritization:** This item was postponed.
- B. **Assignments:** This item was postponed.

20. **ANNOUNCEMENTS:**

- Mr. Vincent-Jones said the State Department changed its rules to allow PWH/A in the Foreign Service.
- The change was prompted by a lawsuit filed by Lorenzo Taylor, the Commission's previous Project Officer.

21. **ADJOURNMENT:** The meeting was adjourned at 5:00 pm.